

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ENEQUE JEAN-LOUIS, ANGEL PINAREYES,  
TOMAS TORES-DIAZ, ROSELIO MENDOZA,  
EDWIN PEGUERO, JONNATAL PERALTA, and  
ROBIN SORIANO, Individually And On Behalf Of  
All Other Persons Similarly Situated,

Plaintiffs,

-against-

METROPOLITAN CABLE COMMUNICATIONS,  
INC., RICHARD PANG, JOHN SNYDER, BILL  
BAKER, PATRICK LONERGAN, JOHN GAULT,  
and TIME WARNER CABLE OF NEW YORK  
CITY, A DIVISION OF TIME WARNER  
ENTERTAINMENT COMPANY, L.P.,

Defendants.

No. 09-Civ-6831 (ALC)(MHD)

**DECLARATION OF FRAN L. RUDICH IN SUPPORT OF  
MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

FRAN L. RUDICH, an attorney admitted to the bar of this Court, declares under penalty of perjury that:

1. I am a senior attorney of Klafter Olsen & Lesser, LLP, who is, with other counsel, attorneys for Plaintiffs. I am fully familiar with the facts and circumstances set forth herein, and make this Declaration in support of this application seeking an Order relieving the law firms of Klafter Olsen and Lesser LLP, Asher Gaughran LLP and Berger Attorney, P.C. as counsel for four of the named Plaintiffs -- Jonnatal Peralta, Edwin Peguero, Robin Soriano, and Roselio Mendoza (the “non-settling Plaintiffs”) -- pursuant to Local Civil Rule 1.4 and for such other and further relief as this Court may deem just and proper.

2. The non-settling Plaintiffs brought this action seeking back wages from

Defendants for overtime work for which they did not receive premium pay as required by Fair Labor and Standards Act § 216(b) and New York Labor Law §§ 650 *et seq.*, and as for damages under the FLSA's anti-retaliation provisions.

2. As set forth in filings previously submitted to the Court and as was discussed, more particularly and in detail at the Court conference on April 20, 2012, although some of the named Plaintiffs and the Defendants agreed to settle this matter (and these Plaintiffs have signed a settlement agreement), the non-settling Plaintiffs did not agreed to settle, and therefore have not executed a settlement agreement.

3. On April 30, 2012, upon the direction of the Court, counsel for the parties, along with the non-settling Plaintiffs engaged in a second, full day mediation session with the previously retained, experienced mediator, Vivian Berger. Unfortunately, this mediation proved unsuccessful and which, at points, verged on the acrimonious in the discussions between the non-settling Plaintiffs and the other attorneys at Klafter Olsen & Lesser LLP.

7. Defendants have moved to enforce the settlement against the non-settling Plaintiffs and we sent a copy of this motion to them, both by e-mail and FEDEX.

8. Since receiving a copy of this motion, the non-settling Plaintiffs have advised us that they no longer wish us to represent them and have requested that we withdraw as counsel so they can seek new attorneys.

9. Due to the foregoing, Klafter Olsen & Lesser LLP, Asher Gaughran LLP, and Berger Attorney, P.C. seek an Order, pursuant to Local Rule 1.4, releasing them as attorneys for the non-settling Plaintiffs, Jonnatal Peralta, Edwin Peguero, Robin Soriano, and Roselio Mendoza in the above-captioned case and for such other and further relief as this Court may

deem just and proper.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 15<sup>th</sup> day of June, 2012 in Rye Brook, New York.

/s/ Fran L. Rudich

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Fran L. Rudich